

VILLAGE COUNCIL REGULAR MEETING OF MAY 15, 2015

The Village of Estero Council Regular Meeting was held on this date at the Estero Fire Rescue District Meeting Room, 21500 Three Oaks Parkway, Estero, Florida, with the following Council members present:

Nick Batos – Mayor, District 6
 Howard Levitan – Vice Mayor, District 2
 Bill Ribble - District 1
 Donald Brown - District 3
 Katy Errington - District 4
 Jim Boesch - District 5
 Jim Wilson - District 7

The Mayor called the meeting to order at 10:00 am, followed by the Pledge of Allegiance to the flag.

INVOCATION

The Invocation was offered by Rabbi Greenberg, Chabad of Bonita Springs and Estero.

ROLL CALL

Interim Village Manager Peter Lombardi called the roll; all members were present.

APPROVAL OF AGENDA

Mayor Batos requested the addition of three items to the agenda:

- 6(E) – Resolution on the Gas Tax Issue
- 6(F) – Discuss a resolution to appoint a liaison for the SW Chapter, Florida League of Cities
- 6(G) – Resolution regarding Village Clerk

Vice-Mayor Levitan requested the addition of one item to the agenda:

- 6(H) – Update on discussions with the County Department of Community Development

Mr. Ribble moved approval as amended, seconded by Mr. Wilson, called and carried unanimously.

COUNCIL BUSINESS

6(A) Approval of April 24, 2015 Regular Meeting Minutes; April 24, 2015 Workshop Minutes and March 20, 2015 Workshop Minutes

Vice-Mayor Levitan noted an error in the roll-call vote on Item 5(D) of the April 24 Regular Meeting. Mr. Ribble moved approval as amended, seconded by Mr. Boesch, called and carried unanimously.

6(B) FIRST READING AND PUBLIC HEARING – ORDINANCE 15-04 An Ordinance of the Village Council of the Village of Estero, Florida Amending Section 3-2(2)(B) of Ordinance 15-01 to Change Qualifications for Membership of the Design Review Board; Providing a Severability Clause; and Providing an Effective Date

Vice-Mayor Levitan moved the amendment to a second reading on May 20, 2015, seconded by Mr. Ribble. The Vice-Mayor explained the purpose of the amendment; reported that a Fort Myers architect might be able to fill one vacancy; and stated that the Planning and Zoning Board would review the amendment before the second reading. The Mayor called for public comment, and no one came forward to speak. The motion was called and carried unanimously via roll-call vote.

6(C) RESOLUTION – A Resolution Adopting the 2014-15 Village of Estero Budget
 Mayor Batos noted a possible misunderstanding about numbers presented at the last meeting as they related to projections made during the incorporation process. Interim Village Manager Peter Lombardi explained the rationale for adopting a 2014-15 budget; reviewed the numbers for estimated revenues, expenses, and surplus; and pointed out that the budget was based on feasibility studies and cash flow projections done by Mr. Lienesch for the Estero Council of Community Leaders (ECCL). Referring to a copy of the “Cash Flow Projections” (copy on file), he clarified that the total of the revenue and expenditure estimates for the months of April through September equal the budget amounts of \$1,002,320 and \$944,030, respectively. Council discussion followed regarding shortcomings of the feasibility studies and unknown costs for several expense categories. Mr. Lombardi reviewed the figures from the “Budget Report as of April 30, 2015” (copy on file) and emphasized that the monthly report would reflect actual revenues and expenses for the period. Responding to questions from Vice-Mayor Levitan, Village Attorney Burt Saunders clarified that Section 12(4) of the Village Charter did not preclude the Council from borrowing money if a budget was adopted. The Vice-Mayor requested an addition to the Resolution of a document (Attachment “A”) showing the monthly figures that correspond to the gross totals. Interim Finance Director Lisa Pace responded to questions from Council regarding projections for the various Revenue categories, especially Franchise Fees. Additional Council discussion followed regarding communication service taxes, franchise fees, and the tourist “bed tax”. The Mayor called for public comment, and the following individual came forward:

Stoneybrook resident, Chris Patricca – possible State cuts in communication taxes

Ms. Errington moved approval of the Resolution with the addition of Attachment “A”, seconded by Mr. Ribble, called and carried unanimously.

RESOLUTION NO. 2015-27

6(D) DISCUSSION – County Interlocal Agreement for Municipal Services

Interim Village Manager Peter Lombardi presented a document entitled “Lee County Proposal to Provide Services to Village of Estero FY15-16” (copy on file); and noted that Estero allocations were based on a population of 8.2% of the Municipal Services Taxing Unit (MSTU), with total charges of \$3,730,136. Council discussion followed regarding actual costs and revenues for FY2014-15, charges for services not requested or provided, and excessive charges for specific services. The Mayor called for public comment, and no one came forward: He then asked whether a liaison from the Council and/or Village Attorney Saunders should join in negotiations which currently involve only Mr. Lombardi and a County Finance person. Additional discussion ensued regarding services that the Village might take over, the split between General Fund and MSTU costs, and possible participation by the County Attorney. Vice-Mayor Levitan moved that Mayor Batos and Attorney Saunders be delegated to be part of negotiations, and report back to the Council at a Workshop, seconded by Mr. Brown. After Mayor Batos suggested, and Council agreed, that the term “negotiations” be amended to “fact-finding”, the motion was called and carried unanimously.

6(E) DISCUSSION – Proposed County Interlocal Agreement for Gas Tax Sharing
Interim Village Manager Peter Lombardi presented a draft Interlocal Agreement from Lee County (copy on file). After Village Attorney Burt Saunders confirmed that he had found no issues with the document, Mr. Lombardi noted that the latest estimate received from the County was \$400,000 per 12-month year. Discussion followed regarding potential responsibilities of the Village, differences between local and through roads, calculation of centerline miles, available options if the agreement is not signed by June 1, and whether the agreement should be only for one year. There was consensus that Mayor Batos, Attorney Saunders and Mr. Lombardi will meet with County staff to obtain additional information in time for additional action at the meeting on May 20.

6(F) DISCUSSION – Appointment of Liaison for Florida League of Cities, (FLC) SW Chapter

Mayor Batos reported receipt of an invitation for a Council liaison to attend a meeting of the FLC on May 21, and nominated Mr. Ribble as the liaison. There were no objections to the appointment.

6(G) RESOLUTION – Village Clerk

Interim Village Manager Peter Lombardi requested approval of a resolution consenting to the appointment of Kathy M. Hall MMC as Village Clerk; and noted that Ms. Hall would begin employment on June 1. Mr. Wilson moved approval, seconded by Ms. Errington. Mr. Lombardi briefly reviewed Ms. Hall's qualifications and experience; responded to Council members' questions; and noted that the salary would be \$80,000 annually. Council discussion ensued regarding benefits and office space. The Mayor called for public comment, and no one came forward to speak. The motion was called and carried unanimously

RESOLUTION NO. 2015-28

6(H) DISCUSSION - Update on discussions with the County Department of Community Development

Mayor Batos noted that Vice-Mayor Levitan was Council Liaison to Lee County on Community Development/Land Use Issues, and that the County has requested something in writing as to what the Council wants them to do about Administrative items on which there is a difference of opinion. He requested authorization to notify the County of Mr. Levitan's status as liaison, and there were no objections. Vice-Mayor Levitan commented that the first full meeting of the Planning and Zoning Board (PZB) was scheduled for next week; and noted that the PZB is waiting for the County staff report on one agenda item. He added that he was meeting with PZB Chair Roger Strelow and Interim Village Manager Peter Lombardi to develop a plan to deal with requests received for public information meetings. After pointing out that the Village is paying for County staff to provide the necessary reports, he requested authorization to explore costs and services available from third party contractors. Following brief discussion of reasons for delays in County response, there was consensus to authorize the fact-finding.

PUBLIC INPUT ON NON-AGENDA ITEMS

The Mayor called for public input; and no one came forward:

**COUNCIL / MANAGER/ATTORNEY COMMUNICATIONS AND FUTURE
AGENDA ITEMS**

Council Members' Comments:

Ms. Errington expressed concern about a lack of information regarding Healthcare Village. Mr. Brown, Council liaison for Lee Memorial Health System (LMHS), responded that he planned to report at the Workshop meeting; and that LMHS is committed to come to the area and grateful for the community support.

Vice-Mayor Levitan asked to reserve time during the Workshop meeting to discuss two important land use issues outside of Estero.

Mr. Boesch noted an upcoming issue with the opening of a new Wal-Mart and sidewalks, which should be addressed once a decision is reached concerning responsibility for Estero Parkway.

Mr. Wilson reported that Estero residents had actually been given a tax reduction because the Council had elected not to collect the All Hazards Tax.

Mayor Batos asked whether Interim Village Manager Peter Lombardi had information to provide regarding the mechanics for the search for the permanent Manager, and Mr. Lombardi responded that it would be available for next week's agenda. The item dealing with a process for acquiring future facilities will also be moved to next week.

Village Attorney's Comments:

Village Attorney Burt Saunders had no comments.

Interim Village Manager's Comments:

Interim Village Manager Peter Lombardi had no comments.

ADJOURN

The Mayor adjourned the meeting at 12:09 pm.

ATTEST:

By: Kathy Hall

Kathy Hall, MMC
Village Clerk

VILLAGE OF ESTERO, FLORIDA

By: Nicholas Batos

Nicholas Batos
Mayor